

vacuum." Applicants respectfully submit that there is no symbol or other indication in the drawing signifying vacuum, and no mention of vacuum in the specification. In the Office action, the examiner agrees that the disclosure does not describe a dielectric layer comprising vacuum. Thus, together with the submitted drawing correction, the drawing satisfies 37 CFR 1.84(a). As to whether the dielectric layer of silicon oxide is "shown," the specification teaches such a layer 26, and the drawing correctly points to the space in which it is located. Since the specification correctly states that this is a dielectric layer, there is no conflict. Further, one of ordinary skill in the art would understand that the dielectric material described in applicants' disclosure surrounds the individual figures/lines/levels etc. of electrodes, so there is no danger that anyone of ordinary skill in the art would misidentify these layers as vacuum as the Office action asserts. The absence of hash marks to signify solid material is allowed under U.S. patent practice for clarity, as long as one of ordinary skill in the art would understand what is being shown in the drawing. As evidence that this is allowable, please read the reference by Ng et al. cited by the Examiner, column 9, line 66 through column 10, line 11. As explained therein, Ng et al. in FIG. 8 for example do not color in the dielectric material with hash marks etc. for purposes of clarity. Accordingly, withdrawal of the objection to the Drawing of the invention under 37 CFR 1.84(a) is respectfully requested.

The Office action rejects claims 1-12 under 35 U.S.C. § 103(a) over U.S. Patent No. 5,583,359 to Ng et al. Applicants respectfully traverse this rejection. Claims 1-12 are patentable under 35 U.S.C. 103(a) at least because Ng et al. do not teach or suggest the feature(s) of independent claim 1 (from which claims 2-12 depend either directly or indirectly) that each of the at least four line pairs of the at least four parallel capacitor plates is connected by a plurality of vias, i.e., by more than one via). This feature was clearly specified in the Preliminary Amendment of claim 1 filed with the CPA on November 9, 2001.

The Office action has apparently not considered this element. Conversely, the Office action (page 3, lines 12-14 of numbered paragraph 4) states that Ng et al. teach "an array of vias 230 arranged such that the first level line and the second level line of each of the at least four line pairs is connected by at least a respective one of the plurality of vias...." (emphasis added). Applicants respectfully point out that this is not what claim 1 recites as amended in the Preliminary Amendment. Instead, claim 1 now recites that each of the at least four line pairs is connected by at least a respective plurality of vias (not by one of a plurality).

Conversely, the FIG. 8 embodiment of Ng et al. shows that each of the line pairs extending in the "X" direction is connected by only one via. This is even more clearly shown in FIG. 9 of Ng et al., which is a cross-section of FIG. 8. (If the portions of the electrodes 210, 220 etc. extending in the "IX" direction were

mistakenly read as the "line pairs" then while those "line pairs" could be seen as being connected by a plurality of vias, there would be only two such "line pairs" between the first and second level -- one for each electrode -- not four line pairs each being connected by a respective plurality of vias as recited in claim 1.) Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejection of claims 1-12 is respectfully requested.

If the above explanation does not clearly explain the patentable differences between the claim invention and the cited reference, applicants respectfully request the Examiner to telephone the undersigned to schedule a telephonic or personal interview at the Examiner's convenience before any final rejection is issued.

In view of the foregoing, applicants respectfully request that the Examiner withdraw the rejections of record, allow all the pending claims, and find the present application to be in condition for allowance. If any points remain in issue that the Examiner feels may best be resolved through a personal or telephonic interview, he is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Eric M. Bram, Reg. 37,285
Attorney for Applicant(s)

U.S. Philips Corp.
580 White Plains Road
Tarrytown, NY 10591
(914) 333-9635